

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BRETT ALAN DELANEY,

Civil No. 08-6295 (JRT/AJB)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

STATE OF MINNESOTA,
AND MINNESOTA DEPARTMENT
OF CORRECTIONS,

Respondents.

Brett Alan Delaney, #210332, MCF- Faribault, 1101 Linden Lane, Faribault, MN 55021, pro se petitioner.

Peter R. Marker, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**, 445 Minnesota Street, Suite 900, St. Paul, MN 55101, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated December 12, 2008.

Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 2], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus [Docket No. 1], is **DENIED**; and
2. This action is **DISMISSED WITH PREJUDICE**.

Dated: January 5, 2009
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge